

# **EXHIBIT Z**

CIVIL COURT OF CITY OF NEW YORK  
COUNTY OF KINGS HOUSING PART

Index No. L/T

TIVOLI BI LLC

against

*Petitioner (Landlord),*

PHILIPPE DERICIEUX

*Respondent (Tenant)*

**NON-PAYMENT  
PETITION DWELLING**

Address:

49-57 CROWN STREET  
APT. 21A  
BROOKLYN, NY 11225

"JOHN & JANE DOE"

*Respondent (Undertenant)*

*First Name of Tenant and/or Undertenant being fictitious and unknown to petitioner.  
Person intended being in possession of the premises herein described.*

THE PETITION OF TIVOLI BI LLC, a N.Y. Limited Liability Corporation alleges, upon information and belief:

1. Petitioner(s) is(are) the landlord(s) and owner of the premises.
2. Respondent(s) PHILIPPE DERICIEUX, is(are) tenant(s) in possession of said premises pursuant to a(n) WRITTEN lease agreement wherein respondents promised to pay to landlord or landlord(s) predecessor as rent \$1,458.00 each month in advance on the 1ST day of each month. Respondent(s) "JOHN & JANE DOE" is(are) the undertenant(s) of the aforesaid respondent(s) tenant(s).
3. Respondent(s) are now in possession of said premises.
4. The premises are the residence of the tenant(s) and the undertenant(s) herein.
5. The premises for which removal is sought was rented for Dwelling purposes and are described as follows:  
All Rooms, Apartment # 21A in the building known as 49-57 Crown Street Brooklyn, NY 11225, situated within the territorial jurisdiction of the Civil Court of the City of New York, County of Kings.
6. Pursuant to said agreement there was due from respondent tenant(s), the sum of \$8,134.40 in rent and additional rent as follows:

Jul 23	\$1,504.00
Jun 23	\$1,350.00
May 23	\$1,350.00
Apr 23	\$1,350.00
Mar 23	\$1,350.00
Feb 23	\$1,230.40
7. The building is exempt from the New York City Emergency Rent Law, and the Rent Stabilization Law of 1969, as amended as it is owned by a Limited Profit Housing Company and organized under Article "2" of the Private Housing Finance Law. The building is supervised by the Department of Housing Preservation and Development. The tenant is not the recipient of a rent subsidy.
8. Said rent has been demanded from the tenant(s) by a fourteen day written-notice a copy of which, with affidavit of service, is annexed hereto since same became due and Petitioner has complied with RPL §235-e (d).

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9. Respondent(s) have defaulted in the payment thereof and continue in possession of premises without permission after said default.

10. The premises are a multiple dwelling and pursuant to the Housing Maintenance Code Article 41 there is a currently effective registration statement on file with the Office of Code Enforcement which designates the managing agent named below, a natural person over 21 years of age, to be in control of and responsible for the maintenance and operation of the dwelling.

**AGENT: ARIANIT JAKUPAJ**

44 West 28th Street 6th Floor, New York, NY 10001

**Multiple Dwelling No. 374566**

**WHEREFORE**, Petitioner requests a final judgment against respondents(s) for the rent demanded therein, awarding possession of the premises to the petitioner landlord, and directing the issuance of a warrant to remove respondent(s) from possession of the premises together with the costs and disbursements of this proceeding.

TIVOLI BI LLC,

Dated: July 5, 2023

STATE OF NEW YORK, COUNTY OF NEW YORK

The Undersigned affirms under penalty of perjury that he is one of the attorneys for the petitioner, that he has read the foregoing petition and knows the contents thereof: that the same are true to his own knowledge except as to matters stated to be upon information and belief; and as to those matters he believes them to be true. The grounds of his belief as to matters not stated upon his knowledge are statements and/or records provided by the petitioner, its agents and/or employees and contained in the file in the attorneys office. \* This verification is made pursuant to the provisions of RPAPL 741. The reason a member of petitioner did not sign this verification is that one was not available at the time this petition was prepared.

Dated: July 5, 2023



Kevin D. Cullen, Esq.

Cullen & Associates, P.C.  
Attorney for Petitioner-Landlord  
299 Broadway, Suite 1510  
New York, NY 10007  
(212) 233-9772  
nonpayments@cullenpc.com

CIVIL COURT OF CITY OF NEW YORK  
COUNTY OF KINGS HOUSING PART

TIVOLI BI LLC

against

*Petitioner (Landlord),*

Index No. L/T

PHILIPPE DERICIEUX

*Respondent (Tenant)*

Address:

49-57 CROWN STREET  
APT. 21A  
BROOKLYN, NY 11225

"JOHN &amp; JANE DOE"

*Respondent (Undertenant)*

*First Name of Tenant and/or Undertenant being fictitious and unknown to petitioner.  
Person intended being in possession of the premises herein described.*

**NOTICE OF ELECTRONIC FILING  
(Consensual Case)  
(Uniform Rule § 208.4-a)****You have received this Notice because:**

- o The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York Courts e-filing system, and
- o You are a defendant/Respondent (a party) in this case.

**If you are represented by an attorney:** give this Notice to your attorney (Attorneys: see "Information for Attorneys" pg 2).

**If you are not represented by an attorney:** you are not required to e-file. You may serve and file documents in paper form and you must be served with documents in paper form. However, as a party without an attorney, you may participate in e-filing.

**Benefits of E-Filing**

You can:

- o serve and file your documents electronically
- o view your case file on-line
- o limit the number of trips to the courthouse
- o pay any court fees on-line

There are no additional fees to file, view, or print you case records.

To sign up for e-filing or for more information about how e-filing works, you may:

- o visit [www.nycourts.gov/efile-unrepresented](http://www.nycourts.gov/efile-unrepresented) or
- o go to the Help Center or Clerk's Office at the court where the case was filed. To find legal information to help you represent yourself visit [www.nycourthelp.gov](http://www.nycourthelp.gov)

**Information for Attorneys**

An attorney representing a party who is served with this notice must either consent or decline consent to electronic filing and service through NYSCEF for this case.

Attorneys registered with NYSCEF may record their consent electronically in the manner provided at the NYSCEF site. Attorneys not registered with NYSCEF but intending to participate in e-filing must first create a NYSCEF account and obtain a user ID and password prior to recording their consent by going to [www.nycourts.gov/efile](http://www.nycourts.gov/efile).

Attorneys declining to consent must file with the court and serve on all parties of record a declination of consent.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at [www.nycourts.gov/efile](http://www.nycourts.gov/efile) or contact NYSCEF Resource Center (phone: 646 386-3033; email: [efile@nycourts.gov](mailto:efile@nycourts.gov)).

Dated: July 5, 2023

Name	Kevin D. Cullen, Esq.
Firm Name	Cullen & Associates, P.C.
Address:	299 Broadway, Suite 1510 New York, NY 10007
Phone	(212) 233-9772
Email	<a href="mailto:nonpayments@cullenpc.com">nonpayments@cullenpc.com</a>

TO: PHILIPPE DERICIEUX  
"JOHN & JANE DOE"  
49-57 CROWN STREET  
APT. 21A  
BROOKLYN , NY 11225

7/19/19

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FILE NO: 94630

TRIBUNAL CIVIL DE LA CIUDAD DE NUEVA YORK  
CONDADO DE KINGS: PARTE DE LA VIVIENDA

TIVOLI BI LLC

contra

*Parte Demandante,*

Numero de Indice L/T

PHILIPPE DERICIEUX

*Parte Demandada*

*Dirección*

49-57 CROWN STREET  
APT. 21A  
BROOKLYN, NY 11225

"JOHN & JANE DOE"

*Parte Demandada - subdeteniente*

*El nombre del inquilino y / o el subdeteniente es ficticio y desconocido para el peticionario.  
Persona destinada a estar en posesión de las instalaciones aquí descritas.*

**Aviso Presentación Electrónica  
(Causa mutuo acuerdo)  
(Regla Uniforme §208.4-a)**

**Ha recibido este aviso porque:**

- o La parte demandante anteriormente nombrada ha iniciado este caso utilizando el sistema de presentación electrónica de demandas (e-filing) de los Tribunales del estado de Nueva York, y
- o Usted es una de las partes demandadas en esta causa

**Si cuenta con representación legal:** entréguele este aviso a su abogado(a) (Abogados: véase "Información para Abogados" en la segunda página.)

**Si no cuenta con representación legal:** no se le requiere presentar su demanda por medios electrónicos. Podrá presentar y entregar sus documentos impresos. No obstante como una de las partes del caso podrá presentar su causa por medios electrónicos.

**Beneficios de la presentación  
electrónica (e-filing)**

Puede:

- o entregar y presentar sus documentos por medios electrónicos
- o ver su caso en línea
- o limitar sus viajes al tribunal
- o pagar costos judiciales en línea

No hay cobros adicionales para presentar, ver o imprimir el expediente judicial.

Para inscribirse en la presentación electrónica (e-filing) o para más información sobre cómo funciona:

- o visite [www.nycourts.gov/efile-unrepresented](http://www.nycourts.gov/efile-unrepresented) o
- o Preséntese al centro de ayuda o a la secretaria del tribunal. Para información legal para litigantes por derecho propio visite: [www.nycourthelp.gov](http://www.nycourthelp.gov)

### Información Para Abogados(as)

El(la) abogado(a) que represente a una de las partes de una demanda ya notificada de este aviso debe aceptar o rechazar la presentación y la entrega electrónica de los documentos a través del sistema de presentación electrónica de demandas (e-filing) de los Tribunales del estado de NY (NYSCEF).

Los/las abogados(as) registrados(as) con NYSCEF pueden dar su consentimiento por medio electrónico según las directivas dadas en el sitio web del NYSCEF. Los/las abogados(as) que non están registrados(as) con el NYSCEF con intenciones de participar en la presentación electrónica deberán crear una cuenta y obtener una identificación de usuario y contraseña en [www.nycourts.gov/efile](http://www.nycourts.gov/efile) antes de dar su consentimiento.

Los/las abogados(as) que se nieguen a dar su consentimiento de entrega deben presentar al tribunal y a todo participante un aviso de la declinación de consentimiento.

Para más información sobre la presentación electrónica de demandas o sobre cómo crear una cuenta NYSCEF, visite el sitio web [www.nycourts.gov/efile](http://www.nycourts.gov/efile) o comuníquese con el Centro de Recursos del NYSCEF (teléfono: 646-386-3033; correo electrónico: [efile@nycourts.gov](mailto:efile@nycourts.gov)).

Fechado: Julio 5, 2023

Nombre	Kevin D. Cullen, Esq.
Nombre del Bufete de Abogados	Cullen & Associates, P.C.
Dirección:	299 Broadway, Suite 1510 New York, NY 10007
Telefono:	(212) 233-9772
Correo Electrónico:	<a href="mailto:nonpayments@cullenpc.com">nonpayments@cullenpc.com</a>

Para: PHILIPPE DERICIEUX  
"JOHN & JANE DOE"  
49-57 CROWN STREET  
APT. 21A  
BROOKLYN , NY 11225

Numero de Indice:

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FILE NO: 94630

7/21/20

**FOURTEEN (14) DAY NOTICE TO FEDERALLY SUBSIDIZED TENANT  
FOR MATERIAL NON-COMPLIANCE WITH LEASE, PURSUANT TO  
HUD REGULATIONS AND CONCURRENT DEMAND FOR RENT**

April 28, 2023

Tenant(s): **PHILIPPE DERICIEUX  
"JOHN & JANE DOE"**

Premises: **49-57 CROWN STREET  
Apt 21A  
BROOKLYN, NY 11225**

**YOU ARE HEREBY ADVISED** that your undersigned landlord may elect to terminate your tenancy in the event that you fail to cure your monetary default.

Be advised that termination, if any, would be based upon your material non-compliance with rental obligations pursuant to your lease.

In the event you fail to cure your monetary default and/or reach an accord with the undersigned Landlord, the undersigned Landlord may commence a summary proceeding in the **Civil Court of the City of New York, KINGS County** to obtain money and possessory judgments, as well as a warrant for your eviction.

**BE ADVISED** that at all times you have the right to assistance of counsel.

**BE FURTHER ADVISED** that you are justly indebted to the undersigned Landlord in the sum of **\$5,530.40** for the rent of said premises through **April 2023** payment of which must be made by **June 9, 2023** or you must surrender possession of said premises to the undersigned Landlord. This paragraph constitutes a demand for rent under RPAPL §711(2) and runs concurrent with the Federally required notice. An accurate breakdown of the balance due is set forth on page 2 of this notice.

The building is exempt from the New York City Emergency Rent Law, and the Rent Stabilization Law of 1969, as amended as it is owned by a Limited Profit Housing Company and organized under Article "2" of the Private Housing Finance Law. The building is supervised by the Department of Housing Preservation and Development. The tenant is not the recipient of a rent subsidy.

**HPD**



**FOURTEEN DAY NOTICE TO TENANT  
RENT DEMAND**

Dated: April 28, 2023

RE: PHILIPPE DERICIEUX  
"JOHN & JANE DOE"  
49-57 CROWN STREET, Apt 21A  
BROOKLYN, NY 11225

PLEASE TAKE NOTICE that you are justly indebted to the undersigned Landlord in the total sum of \$8,134.40 for rent and additional rent, if any, as set forth below, which you are required to pay on or before 06/09/2023 that being not less than fourteen (14) days from the service of this notice upon you. If you fail to make complete payment of the rent or elect to surrender possession of the premises within said time period, the Landlord may commence a summary proceeding.

APR23	\$1350.00
MAR23	\$1350.00
FEB23	\$1350.00
JAN23	\$1350.00
DEC22	\$130.40

TIVOLI BI LLC

ADDITIONAL SERVICE ADDRESS:  
DEPARTMENT OF HOUSING PRESERVATION  
And Development  
100 GOLD STREET  
NEW YORK, NY 10038

TIVOLI BI LLC

Date: 04/28/2023

By Certified Mail

Dear PHILIPPE DERICIEUX  
"JOHN & JANE DOE"  
49-57 CROWN STREET  
APT. 21A  
BROOKLYN, NY 11225

RE: Rent not received

Pursuant to the provisions of §235-e(d) of the New York State Property Law, this letter shall serve as notification that the monthly rent due under the terms of your lease, for the months set forth below, have not been received and at least five (5) days elapsed since the date it was due.

April 2023	March 2023	February 2023	January 2023	December 2022
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TIVOLI BI LLC

AFFIDAVIT OF SUBSTITUTE SERVICE & MAILING

Index no:  
File / Case no:

PETITIONER	TIVOLI BI LLC
VS.	
RESPONDENT	PHILIPPE DERICIEUX, "JOHN DOE", "JANE DOE" 49-57 CROWN STREET Apt 21A BROOKLYN , NY 11225

State of New York, County of Westchester ss:

PAUL DANKEL, being duly sworn, deposes and says:  
That Deponent is not a party to this proceeding, is a licensed process server over 18 years of age and resides in Queens, New York.

Deponent was unable to serve PHILIPPE DERICIEUX, "JOHN DOE", "JANE DOE" Respondent(s) named in the proceeding by personal delivery at: 49-57 CROWN STREET , APT 21A, BROOKLYN , NY 11225 which is the only Apt 21A at said address, which are the premises sought to be recovered. after two (2) prior attempts at service, which occurred on: 5/24/2023 at 6:51 PM and on 5/25/2023 at 10:05 AM

On 5/25/2023 at 10:05 AM Deponent served the attached FOURTEEN (14) DAY NOTICE TO FEDERALLY SUBSIDIZED TENANT FOR MATERIAL NON-COMPLIANCE WITH LEASE, PURSUANT TO HUD REGULATIONS AND CONCURRENT DEMAND FOR RENT FEDERAL COLLECTION NOTICE & NOTICE PURSUANT TO §235-E(D) OF THE NEW YORK STATE PROPERTY LAW by gaining admittance to said premises and delivering to and leaving a true copy/copies thereof for each tenant(s)/occupant(s) personally with jane doe - ( refused name) a person of suitable age and discretion, who was willing to receive same and who resided at said premises.

Deponent describes the individual served as follows:


SEX	SKIN COLOR	HAIR COLOR	AGE	HEIGHT	WEIGHT
FEMALE	BRN	BRN	21-35	5'4-5'8	131-160

Name of Individual Served: JANE DOE - ( REFUSED NAME)

And on: 5/25/2023 deponent served copies within FOURTEEN (14) DAY NOTICE TO FEDERALLY SUBSIDIZED TENANT FOR MATERIAL NON-COMPLIANCE WITH LEASE, PURSUANT TO HUD REGULATIONS AND CONCURRENT DEMAND FOR RENT FEDERAL COLLECTION NOTICE & NOTICE PURSUANT TO §235-E(D) OF THE NEW YORK STATE PROPERTY LAW on each tenant/occupant at the premises sought to be recovered, by depositing a true copy for each named tenant/occupant of the same enclosed in a post paid wrapper, addressed to each tenant at the premises sought to be recovered, in the post office by certified mail and by regular first class mail within the state of New York.

AND ON 5/25/2023 ADDITIONAL MAILING BY REGULAR AND CERTIFIED MAIL TO:  
DEPARTMENT OF HOUSING PRESERVATION , 100 GOLD STREET , , NEW YORK , NY 10038

SWORN TO BEFORE ME ON 5/25/2023

  
ALAN ABOODY  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01AB5014371  
QUALIFIED IN WESTCHESTER COUNTY  
COMMISSION EXPIRES JULY 15, 2023

  
PAUL DANKEL  
LIC. # 1020803

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